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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,373	09/11/2003	Walter Kramer	22659	5443

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EXAMINER

ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/660,373

Applicant(s)

KRAMER, WALTER

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/25/05, Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment dated 4/25/05. Claims 8-9 and 18-19 were cancelled. Claims 1-7, 10-17 and 20 are pending.
2. The rejection of claims 1-7, 9-17 and 19-20 under 35 U.S.C. 102(b) as being anticipated by Bodford et al., as set forth in paragraph 4 of the previous action, has been withdrawn in light of the limitations from claim 18 being incorporated into claim 1.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 10/17/02. As noted in the previous office action, applicant has not filed a certified copy of the 02023278.1 application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: "melt-blown" should be placed immediately before "thread-shaped" so that the claim states "a multiplicity of melt-blown thread-shaped strands" in line 4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-2 and 20 stand rejected under 35 U.S.C. 102(a) as being anticipated by Welch et al. (WO 02/059410; of record), as set forth in paragraph 6 of the previous action.

With respect to claim 1, the limitations pertaining to a multiplicity of melt-blown strands being supplied to the nozzle orifices and bonding the strands to the web in a wave pattern were

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addressed in paragraph 6 of the previous action with respect to claims 18-19 (p. 5, lines 25-30; p. 11, lines 8-16; p. 12, lines 21-23; p. 14, lines 4-6). As for the limitation pertaining to an extruder supplying the molten bonding polymer to the nozzle orifices, Welch teaches such (p. 20, lines 8-9 and 22; note the head of Welch is equated to Applicant's extruder).

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al. in view of Mleziva et al. (US 6057024).

With respect to claim 1, if it is not taken that the head of Welch is an extruder, it would have been obvious to the skilled artisan to supply the molten bonding polymer to the nozzle orifices of Welch by an extruder because it is known in the art to apply melt-blown thread shaped strands of a molten polymer to a web using a plurality of nozzles where the polymer is supplied to the nozzles by an extruder, as taught by Mleziva (Figure 2; column 10, lines 54-62; column 11, lines 6-7).

9. Claims 3-7 and 10-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al., or Welch et al. and Mleziva, as applied to claim 1 above and further in view of Bodford et al. (US 5705011; of record), as set forth in paragraph 9 of the previous action.

10. Claims 1-7, 10-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodford et al. in view of Kwok et al. (US 5882573; of record), as set forth in paragraphs 4 and 8 of the previous action.

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With respect to claim 1, the limitations pertaining to a multiplicity of melt-blown strands being supplied to the nozzle orifices and bonding the strands to the web in a wave pattern were addressed in paragraphs 4 and 8 of the previous action with respect to claims 18-19. As for the limitation pertaining to an extruder supplying the molten bonding polymer to the nozzle orifices, Bodford teaches such (column 5, lines 13-22; note the die of Bodford is equated to Applicant's extruder).

11. Claims 1-7, 10-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodford et al. in view of Kwok et al. and Mleziva.

With respect to claim 1, if it is not taken that the die of Bodford is an extruder, it would have been obvious to the skilled artisan to supply the molten bonding polymer to the nozzle orifices of Bodford by an extruder because it is known in the art to apply melt-blown thread shaped strands of a molten polymer to a web using a plurality of nozzles where the polymer is supplied to the nozzles by an extruder, as taught by Mleziva (Figure 2; column 10, lines 54-62; column 11, lines 6-7).

12. Claims 1-7, 10-17 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok et al. in view of Bodford et al., as set forth in paragraph 10 of the previous action.

With respect to claim 1, the limitations pertaining to a multiplicity of melt-blown strands being supplied to the nozzle orifices and bonding the strands to the web in a wave pattern were addressed in paragraph 10 of the previous action with respect to claims 18-19. As for the limitation pertaining to an extruder supplying the molten bonding polymer to the nozzle orifices, Kwok teaches such (column 4, lines 47-65; note the head 120 of Kwok is equated to Applicant's extruder).

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13. Claims 1-7, 10-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok et al. in view of Bodford et al. and Mleziva.

With respect to claim 1, if it is not taken that the head of Kwok is an extruder, it would have been obvious to the skilled artisan to supply the molten bonding polymer to the nozzle orifices of Kwok by an extruder because it is known in the art to apply melt-blown thread shaped strands of a molten polymer to a web using a plurality of nozzles where the polymer is supplied to the nozzles by an extruder, as taught by Mleziva (Figure 2; column 10, lines 54-62; column 11, lines 6-7).

#### ***Double Patenting***

14. Applicant is once again advised that should claim 4 be found allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### ***Response to Arguments***

15. Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive.

16. On p. 6 of the remarks, Applicant argues that Bodford does not teach a melt-blown nozzle extruder.

The examiner invites Applicant to reread the rejections set forth in paragraphs 10-11 above.

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17. On p. 7 of the remarks, Applicant argues that Kwok does not teach providing the molten polymer between two webs.

The examiner invites Applicant to reread the rejection of claim 1, as set forth in paragraph 10 of the previous action. To reiterate, one reading Kwok as a whole would have readily appreciated that Kwok is bonding two webs together by means of the molten bonding polymer (column 1, lines 25-30).

18. On p. 8 of the remarks, Applicant argues that Kwok does not teach an extruder.

Applicant is invited to reread the rejections set forth in paragraphs 12-13 above.

19. On p. 8 of the remarks, Applicant argues that Welch does not teach bonding two webs with the molten bonding polymer.

The examiner invites Applicant to reread the rejection of claim 1, as set forth in paragraph 6 of the previous action, where the examiner clearly pointed out that Welch teaches applying a second web to the strands deposited on the first web and bonding the second web to the strands (p. 18, lines 15-17; p. 20, lines 5-13).

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jessica L. Rossi  
Primary Examiner  
Art Unit 1733